

**United States District Court**  
**Southern District of Texas**  
**Houston Division**

Darryl W. Riser,  
Plaintiff.

v.

United States Department of State, et. al.  
Defendant.

Case No: H-09-3273

United States Courts  
Southern District of Texas  
FILED

NOV - 2 2010

Clerk of Court

**AMENDED - PLAINTIFF'S REPLY TO COURT'S MEMORANDUM AND ORDER  
AND PLAINTIFF'S MOTION FOR ATTORNEY'S FEE AND RELATED COST**

COMES NOW Darryl W. Riser, Plaintiff, herein replies to the Court's Memorandum and Order, and brings this motion for attorney's fees and related costs pursuant to **Federal Rule of Civil Procedure 54**. Plaintiff's request for damages and attorney's fees were denied because the Court was not aware of the financial hardship and adverse effect this civil action have on Plaintiff because Plaintiff previously employed a legal coach; for legal advice and paralegal services; to prepared pleadings on behalf of Plaintiff. Now, the correct exhibits are attached.

If the Court denies the Plaintiff request for related costs, which were reasonably incurred to receive illegally withheld documentation from U.S. Department of State ("DOS") and U.S. Office of Personnel Management ("OPM"); Plaintiff's rights will be permanently irreparable. Therefore, the relief sought here is essential to the preservation of the Plaintiff's rights arising under **Federal Law** as well as the **Bill of Rights of The State of Texas**.

**§552a.(g)(1)(D)** was established to prevent adverse effects on individuals requesting agency records and personal records from Agencies that have no legal basis for its actions in failing to comply with §552a provisions. For two years, DOS failed to produce a single

Amended - Plaintiff's Reply to Court's Memorandum and Order and Plaintiff's Motion For Attorney's Fees And Related Costs

document in response to the Plaintiff's request under the FOIA/PA for the release of agency records pertaining to the background investigation of the Plaintiff's employment application conducted by DOS. Having exhausted its administrative remedies, Plaintiffs brought this action to enjoin DOS from continuing to improperly withhold documents in violation of the FOIA/PA. **This action alone is an adverse effect.** Similarly, OPM produced limited documents; which still omitted documents pertaining to the Plaintiff's employment application and interview at OPM.

### **FACTUAL BACKGROUND**

On October 7, 2009, Plaintiff filed this Freedom of Information Act ("FOIA") and Privacy Act ("PA") civil action for (a) Declaratory relief, (b) Injunctive relief, and (c) reasonable attorney fees, legal/paralegal expenses, and (d) damages in an amount not less than \$1,000 for each and every FIOA violation; for illegally, intentionally, and willfully denying Plaintiff access to agency records and personal records.

On October 25, 2010, the Court issued a Memorandum and Order to conclude Plaintiff's civil action; GRANTED in part and denied in part. Plaintiff's request for Attorney's fees was denied. In the motion, Plaintiff seeks \$35,100.00 in legal fees for reasonable attorney's fees and paralegal services, which prepared pleadings on behalf of Plaintiff. Regardless of the length or complexity of the prepared pleadings a flat rate of \$300.00 was charged.

#### **I. Attorney's Fees; Legal Coach**

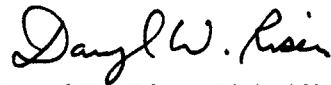
The Plaintiff's basis for filing this civil action is based on Plaintiff's Discrimination Case against the same Defendant (U.S. Department of State) #H-09-3665. In said case, after,

Plaintiff's numerous requests for information were denied and three motions to compel were denied; Plaintiff sought the legal advice from a legal coach, Ashok Bail, Attorney at Law. On July 22, 2009, Plaintiff met with Attorney Bail to discuss the Plaintiff's numerous requests for information and three failed motions to compel (see Exhibit 1). Attorney Bail advised Plaintiff to file a FOIA and PA complaint in District Court to receive the requested documentation. Plaintiff filed a FOIA Complaint in September 2009.

## **II. Paralegal Fees; Pleading Preparation**

Accordingly, in September 2009, Plaintiff retained paralegal services to prepare court pleadings on behalf of Plaintiff, until said FIOA/PA case is closed (see Exhibit 2).

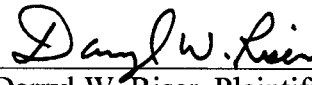
Respectfully submitted,



Darryl W. Riser, Plaintiff  
3462 Nathaniel Brown Street  
Houston, Texas 77021  
(713) 741-8325  
Coldriser@yahoo.com

## **CERTIFICATE OF SERVICE**

I, Darryl W. Riser, the undersigned, hereby certify that the foregoing; Amended - Plaintiff's Reply to Court's Memorandum and Order and Plaintiff's Motion For Attorney's Fees And Related Costs, was delivered to Nancy Leonard at 919 Milam Street, #1500, Houston, Texas 77002 on November 2, 2010.



Darryl W. Riser, Plaintiff  
3462 Nathaniel Brown Street  
Houston, Texas 77021  
(713) 741-8325  
Coldriser@yahoo.com

Amended - Plaintiff's Reply to Court's Memorandum and Order and Plaintiff's Motion For Attorney's Fees And Related Costs

1

<b>DARRYL W. RISER</b> <b>OR SHILLY RISER</b> 3412 NATHANIEL BROWN ST HOUSTON TX 77021-9310		1064 JUL 24, 2009
Pay to the order of Ashok Bail	\$ 200.00	
Two hundred	Dollars	
USAA For Legal Consultation	Darryl W. Riser	
1064 10000000000000		

Plaintiff met with legal coach to discuss how Respondent (U.S. Department of State) illegally withheld information; 2 failed Motions to compel; and details of filing a FIOA case.

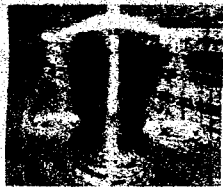
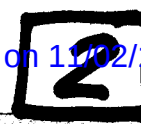
<b>Ashok Bail</b> Attorney At Law	
1080 Riviana Building 2777 Allen Parkway Houston, Texas 77019	
Telephone: 713-520-1655 Telephone: 713-942-9111	Fax: 713-942-0102 e-mail: ashok_bail@yahoo.com

**From:** ashok bail <ashok\_bail@yahoo.com>  
**To:** Darryl Riser <coldriser@yahoo.com>  
**Sent:** Tue, August 4, 2009 4:01:38 PM  
**Subject:** Re: The 3 documents that you requested

Dear Mr. Riser,

It was a pleasure meeting with you. This e-mail will serve as a receipt for the \$200 consultation fee. I will take a look at these 3 documents sometime early next week.

Thanks,  
 Ashok Bail

**INVOICE****Complaint Processors***Advocating for the Aggrieved and Injured*

DATE DUE: DECEMBER 1, 2010

INVOICE # 1006

TO Darryl W. Riser  
3462 Nathaniel Brown  
Houston, Texas 77021  
Customer ID: DWR3462

DARRYL W. RISER VS DOS &amp; OPM

Paralegal Services

QUANTITY	DESCRIPTION	UNIT PRICE	LINE TOTAL
1	Monthly Paralegal Services Retainer (September 2009)	\$2000	\$2000
1	Paralegal Service; Prepare Complaint; Pleading - 11-17-09	\$300	\$300
1	Monthly Paralegal Services Retainer (October 2009)	\$2000	\$2000
1	Monthly Paralegal Services Retainer (November 2009)	\$2000	\$2000
1	Paralegal Service; Prepare 2 <sup>nd</sup> Opposed Motion for Extension; Pleading 11-18-09	\$300	\$300
1	Monthly Paralegal Services Retainer (December 2009)	\$2000	\$2000
1	Paralegal Service; Prepare 2 <sup>nd</sup> Opposed Motion for Extension; Pleading 12-20-09	\$300	\$300
1	Monthly Paralegal Services Retainer (January 2010)	\$2000	\$2000
1	Paralegal Service; Motion to Amend Complaint; Pleading 1-4-10	\$300	\$300
1	Paralegal Service; Discovery/Case Management Plan; 1-6-10	\$300	\$300
1	Paralegal Service; Second Amended Complaint; Pleading 1-8-10	\$300	\$300
1	Paralegal Service; Reply to Answer to Amended Complaint; Pleading 1-19-10	\$300	\$300
1	Paralegal Service; Motion for Summary Judgment; Pleading 1-19-10	\$300	\$300
1	Monthly Paralegal Services Retainer (February 2010)	\$2000	\$2000
1	Paralegal Service; Opposition to Opposed Motion to Stay; Pleading 2-5-10	\$300	\$300
1	Paralegal Service; Certificate of Interested Parties; Pleading 2-5-10	\$300	\$300
1	Paralegal Service; Motion for Reconsideration; Pleading 2-8-10	\$300	\$300
1	Paralegal Service; Unopposed Motion to Amend Complaint; Pleading 2-8-10	\$300	\$300
1	Monthly Paralegal Services Retainer (March 2010)	\$2000	\$2000
1	Paralegal Service; Amended Motion for Summary Judgment; Pleading 3-22-10	\$300	\$300
1	Monthly Paralegal Services Retainer (April 2010)	\$2000	\$2000
1	Paralegal Service; Motion to Strike Defendants' Response; Pleading 4-19-10	\$300	\$300
1	Monthly Paralegal Services Retainer (May 2010)	\$2000	\$2000
1	Monthly Paralegal Services Retainer (June 2010)	\$2000	\$2000
1	Monthly Paralegal Services Retainer (July 2010)	\$2000	\$2000
1	Monthly Paralegal Services Retainer (August 2010)	\$2000	\$2000
1	Monthly Paralegal Services Retainer (September 2010)	\$2000	\$2000
1	Paralegal Service; Reply to Order; Pleading 9-10-10	\$300	\$300
1	Monthly Paralegal Services Retainer (October 2010)	\$2000	\$2000
1	Monthly Paralegal Services Retainer (November 2010)	\$2000	\$2000
1	Paralegal Service; Reply to Order; Pleading 11-1-10	\$300	\$300
1	Paralegal Service; Amended Reply to Order; Pleading 11-2-10	\$300	\$300
		<b>Total</b>	<b>\$35,100.00</b>

Make all checks payable to:  
Professional Life Skills Mentors and Coaches, LLC; Complaint Processors  
[www.EEOComplaintProcessors.LifeSkillsMentors.com](http://www.EEOComplaintProcessors.LifeSkillsMentors.com)

**THANK YOU FOR YOUR BUSINESS!**